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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

FELIX GUTIERREZ,

Defendant and Appellant.

B261808

(Los Angeles County
Super. Ct. No. MA052648)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Christopher G. Estes, Judge. Affirmed.

Felix Gutierrez, in pro. per.; and Adrian K. Panton, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2011 Felix Gutierrez pleaded no contest to violating Penal Code section 4573.6, possessing a controlled substance in jail, and admitted a strike prior. He received a six-year prison term. In 2014, he filed a petition to recall his sentence pursuant to Penal Code section 1170.18, enacted as part of Proposition 47. The trial court denied that petition, noting that defendant's commitment offense was not eligible for relief under Proposition 47.

Defendant appealed and we appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. At our invitation, defendant filed his own supplemental brief, which argued Proposition 47 requires "resentencing for anyone who is currently serving a sentence for any felonies for nonserious, nonviolent crimes like petty theft and drug possession." He argues all possession convictions are now misdemeanors. Defendant is incorrect. Proposition 47 modified particular statutes, but not Penal Code section 4573.6. The offense of which he was convicted remains a felony.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

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LUI, J.

We concur:

ROTHSCHILD, P. J.

CHANNEY, J.